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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of

Application by SBC Communications Inc.,
Southwestern Bell Telephone Company,
and Southwestern Bell Communications
Services, Inc. d/b/a Southwestern Bell Long
Distance for Provision of In-Region,
InterLATA Services in Oklahoma

CC Docket No. 97-121

To: The Commission

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**SOUTHWESTERN BELL'S REPLY TO COMMENTS ON ITS
APPLICATION FOR PROVISION OF IN-REGION, INTERLATA SERVICES IN
OKLAHOMA, AND OPPOSITION TO PETITIONS TO DENY**

APPENDIX - VOLUME II

May 27, 1997

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1. My name is John A. Gueldner. I am Vice President-Regulatory for Pacific Bell, a wholly owned subsidiary of Pacific Telesis Group, which is a wholly owned subsidiary of SBC Communications. I filed an affidavit in support of this Application indicating Pacific Bell's commitment to compliance with the requirements of Section 272 of the of the Telecommunications Act of 1996 (the Act) and with the regulations promulgated by the Commission. The purpose of this affidavit is to reiterate Pacific Bell's intention and commitment to comply with the Act and the Commission's regulations

and to reply to certain comments about the Section 272 of the Act and the Commission's rules implementing that section that were filed in opposition to the Application.

2. Pursuant to Section 272 of the Act and paragraph 286 of the Non-Accounting Safeguards First Report and Order, other entities offering services that are the same or similar to services offered by Pacific Bell Communications (PBCOM) or Southwestern Bell Long Distance (SBLD) will have the same opportunity to market or sell Pacific Bell's telephone exchange services under the same conditions as PBCOM and SBLD.
3. Pacific Bell will negotiate with PBCOM and SBLD on an arm's length and nondiscriminatory basis to obtain transmission and switching facilities, to arrange for collocation of facilities, and to provide or obtain services other than those expressly prohibited by the Non-Accounting Safeguards First Report and Order.
4. The Act states that the separate affiliate "shall have separate officers, directors, and employees from the Bell operating company of which it is an affiliate". Section 272 (b) (3). Pacific Bell will comply with this requirement--no officer, director, or employee of Pacific Bell will simultaneously be an officer, director, or employee of PBCOM or SBLD in any possible combination of those roles.

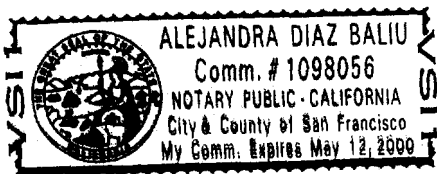
5. The foregoing Affidavit is true and correct to the best of my knowledge, information and belief.

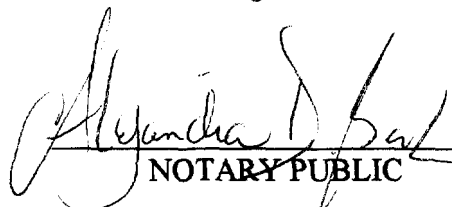
This concludes my Affidavit.



JOHN A. GUELDNER
VICE PRESIDENT-REGULATORY
PACIFIC BELL

Subscribed and sworn before me on this 22nd day of May, 1997.





NOTARY PUBLIC

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the matter of)	
)	
Application of SBC Communications Inc.,)	
Southwestern Bell Telephone Company,)	CC Docket No. 97-121
and Southwestern Bell Communications)	
Services, Inc., for Provision of In-Region,)	
InterLATA Services in Oklahoma)	

**REPLY AFFIDAVIT OF ELIZABETH A. HAM REGARDING
SOUTHWESTERN BELL TELEPHONE COMPANY'S
COMPLIANCE WITH THE REQUIREMENTS OF SECTION 272**

STATE OF MISSOURI)	
) ss.	
CITY OF ST. LOUIS)	

I, Elizabeth A Ham, being first duly sworn upon oath, do hereby depose and state as follows:

I am the same Elizabeth A. Ham who provided an affidavit in support of Southwestern Bell Telephone Company's (SWBT) compliance with the requirements of Section 272 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (Communications Act) which was filed with SWBT's Oklahoma Section 271 application.

A. PURPOSE OF AFFIDAVIT

The purpose of my affidavit is to respond to certain opposing comments filed herein regarding SWBT's compliance with the separate affiliate rules of Section 272 of the Communications Act and with the Federal Communications Commission's (FCC's) rules implementing that Section with respect to its relationship with Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance (SBLD) as well as with Pacific Bell Communications, Inc. (PBCOM). I will once again demonstrate that

SWBT will comply with the separate affiliate rules of Section 272 of the Communications Act and with the FCC's rules implementing that Section.

B. REPLY TO SPRINT PETITION TO DENY

1. Sprint Petition to Deny at 32 argues that SWBT intends to provide names and numbers of competing interexchange carriers (IXCs) only upon request and that SWBT's anticipated procedures do not comply with the Non-Accounting Safeguards Order. As specified in the Non-Accounting Safeguards Order (§292), however, and as stated in my previous Affidavit on Section 272 issues at E.1.a.i "[i]f SWBT markets or sells SBLD interLATA service, *SWBT will inform any customer who orders new local exchange services on an inbound call that it has a choice in long distance carriers*, and on request will inform these customers of the names and the telephone numbers of carriers offering interexchange services in its service area. The names of such carriers will be provided in random order." [Emphasis supplied.] Thus, on *all* inbound calls in which a customer establishes new service, SWBT will inform such customer that it has a choice in long distance carriers. SWBT will, of course, comply with the customer's preference concerning whether to read all names and telephone numbers of all carriers offering interexchange services in its service area.
2. In the Sprint Petition to Deny at 33, Sprint complains also that the Affidavits filed in this proceeding do not mention compliance with disclosure requirements of Section 272(b)(5) of the Communications Act. As described in the original Sweitzer Affidavit at H.2, SWBT will conduct all transactions with SBLD "on an arms-length basis, reduced to writing and made available for public inspection."

3. Sprint Petition to Deny at 34 states, “By contrast, the Non-Accounting Safeguards Order (§ 240) requires BOCs [Bell Operating Companies] to process PIC [presubscribed interexchange carrier] change orders within a period of time that is ‘no greater than response time it provides to itself or its affiliates.’” This issue is addressed in my previous Affidavit on Section 272 issues at E.1.b.iv, as follows: “SWBT will provide unaffiliated carriers with the same exchange access, interconnection, collocation, unbundled network elements, and resold services that are provided to PBCOM on non-discriminatory rates, terms and conditions” and in my previous Affidavit on Section 272 issues at E.1.b.xii, that states, “SWBT will not discriminate between PBCOM and unaffiliated interexchange carriers in the processing of PIC change orders.” Attached hereto as Attachment 1 are the Comments and Reply Comments filed with the FCC in response to the Further Notice of Proposed Rulemaking in the Non-Accounting Safeguards Docket, where SWBT also set forth in detail its plan to comply with Section 272(e)(1) of the Communications Act, including SWBT’s nondiscriminatory handling of PIC changes.
4. Sprint Petition to Deny at 34 (second bullet), argues that SWBT’s offer to afford SBLD’s future competitors leases for siting switches on non-discriminatory terms and conditions does not comply “[w]ith the Non-Accounting Safeguards Order (§202) requirement that the BOC offer these arrangements to unaffiliated entities at the same rates, terms, and conditions as those offered to the affiliate.” This argument is answered by my previous Affidavit on Section 272 issues where I explained: “SWBT will make available to unaffiliated entities all other non-joint-marketing goods, services, facilities, and information

that SWBT provides to SBLD as Section 272 requires and as ordered in the Non-Accounting Safeguards First Report and Order. Non-joint-marketing related goods, services, facilities, and information will be made available to unaffiliated entities at the same rates, and on the same terms and conditions, as are provided to SBLD."

5. Sprint Petition to Deny at 34 (third bullet), draws an inference of non-compliance with Section 272 of the Communications Act from the fact that SWBT did not enumerate all of the possible combinations of SWBT personnel holding a different position at SBLD and/or PBCOM. SWBT hereby affirms that no officer, director, or employee of SWBT is or will simultaneously be an officer, director, or employee of SBLD and/or PBCOM, in any possible combination of those roles. This fully addresses Sprint's supposed concerns about overlapping responsibilities.
6. Sprint Petition to Deny at 35 (fourth bullet) argues that the Section 251 of the Communications Act standard for exchange access, interconnection, collocation, unbundled network elements, and resold services is not "sameness" but rather "equal in quality"; Sprint argues that "same" is not synonymous with "equal in quality". Sprint's claim that "same" does not include "equal in quality" ignores the ordinary meaning of the word. But in any event, SWBT will certainly provide exchange access, interconnection, collocation, unbundled network elements, and resold services to unaffiliated carriers on an "equal" basis to that provided to SBLD and/or PBCOM.
7. Sprint Petition to Deny at 35 (fifth bullet) argues that SWBT does not go far enough in the statement "SWBT will provide telecommunications services and network elements to

SBLD [and PBCOM] using the same service parameters, interfaces, intervals, standards, procedures, and practices used to serve other carriers and retail customers." (Previous Ham Affidavit on Section 272 issues at E.1.a.iv and E.1.b.iv). SWBT also will provide administrative services to unaffiliated carriers on the same terms and conditions that are offered to PBCOM, as the Affidavit of Kathleen Larkin explained.

8. Sprint Petition to Deny at 35 (sixth bullet) objects to the wording "taking into account the comparability of the service" in the statement, "SWBT will charge SBLD and PBCOM, or impute to itself (if using exchange access for the provision of its own services), rates for telephone exchange service and exchange access that are no less than the rate charged to any unaffiliated interexchange carrier for such service, taking into account the comparability of the service." SWBT is simply stating the obvious in that qualifier. For example, this language, as presented, is intended to protect SWBT from paying for a DS3 level service when using a DS0 level service.

C. REPLY TO COMMENTS OF AT&T IN OPPOSITION TO SBC'S APPLICATION

1. In the Affidavit of Denise Crombie in support of the AT&T Comments, Ms. Crombie states, "SBLD's ownership of four interexchange switches and its many ongoing transactions with SWBT raise a number of questions, including the following: . . . has SWBT's conduct in connection with its many transactions with SBLD displayed favorable treatment of SBLD as compared to SWBT's conduct in connection with proposed or completed transactions with other carriers?" In my previous Affidavit on Section 272 issues, I stated, at C.2.a.vi., that "SWBT will not provide any services that constitute

operations, installation, or maintenance functions in connection with the switching or transmission facilities of SBLD. Since the entry of the Non-Accounting Safeguards First Report and Order, SWBT has undertaken to identify and discontinue, subject to any reconsideration by the FCC or by appellate courts, services provided to SBLD that constitute operations, installation, or maintenance functions in connection with the switching or transmission facilities of SBLD.”

2. Attached hereto as Attachment 2 is a letter dated March 18 from Wayne Masters, Vice President – Customer Services for SWBT, to Van Taylor, who was then the President of SBLD, and to Joe Walkoviak, Senior Vice President – Network for Southwestern Bell Communications, Inc., advising them that SWBT would cease support of any affiliates to be defined as 272 affiliates “no later than 90 days following the date [SBC] files [its] 271 application with the FCC.” In that letter, Mr. Masters set in motion the transition process for SWBT to cease any support of SBLD that would not continue after SBLD began operation as a 272 affiliate.
3. In the letter described in the preceding paragraph, Mr. Masters mentioned a “gatekeeper” function that he had requested the Legal, Regulatory, and Strategic Planning organizations to establish in order “to review and approve any future requests to SWBT for resources by the 272 product development organization or any activities in which both a 272 affiliate and SWBT participate that fall outside previously approved guidelines.” Attached hereto as Attachment 3 is a letter dated April 28, 1997, from Durward D. Dupre, Vice President & Associate General Counsel – Federal External Affairs, and Zeke Robertson, Senior Vice

President – FCC, establishing a team that meets on a weekly basis to provide expedited review of all affiliate transactions between SWBT or any other non-272 affiliate and any subsidiary that may be slated to become a 272 affiliate at a future time. That letter directed all managers to coordinate with the 272 Oversight Team prior to instituting any affiliate transactions or other joint activities between existing or planned 272 subsidiaries and any other SBC affiliate.

The foregoing affidavit is true and correct to the best of my knowledge, information, and belief.

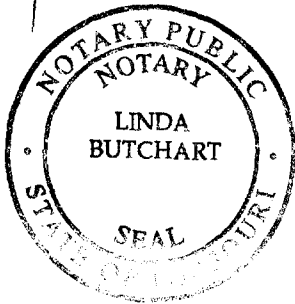
Elizabeth A. Ham

ELIZABETH A. HAM

EXECUTIVE DIRECTOR - INTERCONNECTION & RESALE

SOUTHWESTERN BELL TELEPHONE COMPANY

Subscriber and sworn before me, the undersigned authority, on this 20th day of MAY, 1997.



Linda Butchart
NOTARY PUBLIC

LINDA BUTCHART
NOTARY PUBLIC STATE OF MISSOURI
ST LOUIS COUNTY
MY COMMISSION EXP NOV 19, 1998

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)
)
Implementation of the Non-Accounting) **CC Docket No. 96-149**
Safeguards of Sections 271 and 272 of the)
Communications Act of 1934, as amended)

**COMMENTS OF SBC COMMUNICATIONS INC.
IN RESPONSE TO
FURTHER NOTICE OF PROPOSED RULEMAKING**

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February 19, 1997

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**Before the
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In the Matter of)	
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Implementation of the Non-Accounting)	CC Docket No. 96-149
Safeguards of Sections 271 and 272 of the)	
Communications Act of 1934, as amended)	

**COMMENTS OF SBC COMMUNICATIONS INC.
IN RESPONSE TO
FURTHER NOTICE OF PROPOSED RULEMAKING**

On December 24, 1996, the Commission released its *First Report and Order and Further Notice of Proposed Rulemaking* herein. In the *First Report and Order* ("Order"), the Commission adopted non-accounting safeguards pursuant to Section 272 of the Communications Act to govern the entry by Bell operating companies ("BOCs") into the interLATA telecommunications services, interLATA information services, and manufacturing markets. In the Order, the Commission also concluded that, in order to implement Section 272(e)(1)¹ effectively, the BOCs must be required to make publicly available the intervals within which they provide services to themselves and their affiliates.

In the *Further Notice of Proposed Rulemaking* ("FNPRM"), the Commission sought comment concerning the manner in which BOCs must comply with this information disclosure requirement. Specifically, the Commission sought comment concerning the appropriate method of

¹Section 272(e)(1) provides that a BOC "shall fulfill any requests from an unaffiliated entity for telephone exchange service and exchange access within a period no longer than the period in which it provides such telephone exchange service and exchange access to itself or to its affiliates."

information disclosure, the service categories and units of measure for the information required to be disclosed, the frequency with which the information must be updated, the length of time that BOCs should be required to retain the information, the appropriate level of aggregation of the information, and the consistency of these requirements with other reporting requirements. SBC Communications Inc. ("SBC") submits these Comments to address the questions and tentative conclusions that the Commission included in the FNPRM.

Before addressing those questions and tentative conclusions, however, SBC would reiterate the comments that it provided to the Commission in an ex parte filing (Letter of Todd F. Silbergeld, CC Docket No. 96-149, dated and filed November 6, 1996) in this docket. In that filing, SBC protested the fact that the Commission had proposed to impose a new and superfluous layer of federal reporting requirements. As SBC pointed out, these proposed new reporting requirements are unnecessary and are duplicative of state reporting obligations and service quality standards that have emerged from the interconnection negotiation and arbitration processes. Moreover, additional federal reporting requirements would impose substantial costs upon the BOCs with little or no public interest benefit. The Commission thus should reconsider its decision to require that service interval information be compiled and disclosed by the BOCs, particularly since the Commission's proposals are virtually identical the onerous and over-reaching information disclosure requirements submitted by AT&T (Letter of Charles E. Griffin, CC Docket No. 96-149, dated and filed October 3, 1996).

If the Commission persists in imposing these information compilation and disclosure requirements, however, then SBC submits that it can comply with most of the requirements proposed by the Commission. The possible exception to that commitment stems from the fact that SBC is uncertain about the meaning of the parenthetical statements in the Service Category column of the

Commission's proposed disclosure format, and SBC thus requests that those statements be clarified before the reporting format is adopted.

I. METHOD OF INFORMATION DISCLOSURE

In the FNPRM, the Commission stated that it sought to avoid imposing any unnecessary administrative burdens on the BOCs, unaffiliated entities, and the Commission.² The Commission thus tentatively concluded that the BOCs need not submit directly to the Commission the data that must be disclosed under Section 272(e)(1) but rather that, upon receiving permission to provide interLATA services pursuant to Section 271, each BOC must submit to the Commission a signed affidavit stating: (1) the BOC will maintain the required information in a standardized format; (2) the information will be updated in compliance with Commission rules; (3) the information will be maintained accurately; and (4) the manner in which the information will be made available to the public.³ The Commission also tentatively concluded that each BOC must submit such an affidavit annually or within 30 days of any material change in the manner information is made available to the public.⁴

SBC supports these tentative conclusions. The affidavit requirement, rather than a report filing requirement, is an appropriate approach to ensuring availability of service interval information to the public. If this approach is adopted, SBC plans to make the required information available in at least one business office in each state served by Southwestern Bell Telephone Company, and the specific locations will be included in the annual affidavits. Furthermore, SBC would make the information available, compiled and organized on a state-by-state basis, on its home page on the

²FNPRM, ¶ 369.

³Id.

⁴Id.

Internet. Each monthly report would remain on the Internet for twelve months so that, after the first year, reports for twelve months updated on a rolling basis will be available to the public.

II. SERVICE CATEGORIES AND UNITS OF MEASURE

The Commission sought comment concerning whether the standardized format provided in Appendix C to the Order would be an appropriate manner to make information available to the public. SBC generally supports the Appendix C format, which includes seven service categories, if the Commission concludes that information must be kept in a standardized format.⁵ SBC's specific comments concerning the seven service categories are as follows:

1. Successful Completion According to Desired Due Date (measured in a percentage).

This service category is clearly defined and appropriate. SBC can provide this service interval information in the format requested.

2. Time from BOC Promised Due Date to Circuit being placed in service (measured in terms of percentage installed within each successive 24-hour period until 95% complete).

This service category is clearly defined and appropriate. SBC can provide this service interval information in the format requested, except that clarification of the parenthetical statement is necessary.

3. Time to Firm Order Confirmation (measured in terms of percentage received within each successive 24-hour period, until 95% completed).

SBC submits that this service category can be measured using the application ("APP") time to Firm Order Confirmation ("FOC") time. The APP time would not commence until a BOC receives

⁵Note, however, SBC's general reservation concerning the parenthetical statements in the Service Category column of the format.

a complete and accurate Service Request. If a customer supplements a Service Request in a manner that modifies critical dates, then the FOC interval would recommence. With this clarification of service category 3, including the parenthetical statement, SBC can provide the service interval information in the format requested.

4. Time from PIC change request to implementation (measured in terms of percentage implemented within each successive 6-hour period, until 95% completed).

SBC submits that this interval measurement must take into account two ways in which primary interexchange carrier ("PIC") changes may be communicated to the BOC, as follows:

- 1) A subscriber may call a BOC business office and request a PIC change. In that case, a Service Order must be issued. The PIC change service interval would not commence until the Service Order has been typed and distributed over the Service Order Distribution ("SORD") system to all BOC employees who must perform work on the Service Order. The PIC change service interval is then measured from the time of Service Order Issuance ("SID date") to implementation of the PIC change.
- 2) An interexchange carrier may transmit PIC changes electronically using TCPIP or NDM into INEXS. PIC changes are then due to be implemented within 24 hours of the time the BOC business office receives the tape. The PIC change service interval is measured from the time the electronic transmission is received in the BOC business office to the time of implementation.

With this clarification of service category 4, including parenthetical statement, SBC can provide the service interval information in the format requested.

5. Time to Restore and trouble duration (percentage restored within each successive 1-hour interval, until resolution of 95% of incidents).

While SBC is not sure that it understands the parenthetical phrase in this service category, SBC can provide the service interval information relating to time to restore and trouble duration in the format requested.

6. Time to restore PIC after trouble incident (measured by percentage restored within each successive 1-hour interval, until resolution of 95% restored).

While SBC is not sure that it understands the parenthetical phrase in this service category, SBC can provide the service interval information relating to time to restore PIC after trouble incident in the format requested.

7. Mean time to clear network / average duration of trouble (measured in hours).

This service category is clearly defined and appropriate. SBC can provide this service interval information in the format requested.

The Commission also sought comment on whether the proposed service categories and units of measure discussed above are more appropriate to implement Section 272(e)(1) than the categories currently included in the Open Network Architecture ("ONA") installation and maintenance reports or some other categories. The Commission pointed out that the service categories discussed above address the provision of exchange access to interLATA providers, unlike ONA reports, which address the provision of ONA unbundled elements to enhanced services providers.⁶ SBC agrees with the Commission that, if information compilation and disclosure is to be

⁶FNPRM, ¶ 375.

required, its proposed service categories and units of measure are more appropriate in the context of Section 272(e)(1) compliance than are ONA installation and maintenance reports.

The Commission further sought comment on whether, and to what extent, the industry or state regulators currently collect data using service categories and units of measure included in the Commission's proposal, as well as on the need for BOCs to modify their current tracking systems to comply with that proposal.⁷ On October 8, 1996, SBC submitted on an ex parte basis information concerning the telephone service quality requirements of Arkansas, Missouri, Oklahoma, and Texas.⁸ The rules adopted by the Texas Public Utilities Commission, for example, require quarterly statistical reports of Southwestern Bell Telephone Company's provisioning of local exchange services. The Missouri Public Service Commission requires quarterly telephone service quality reports. Kansas regulators require telephone companies to file monthly service quality reports. Arkansas and Oklahoma presently require telephone companies to file service quality reports upon request. The various reports mentioned above provide the information that would also be required by the Commission's compilation and disclosure requirements, and SBC reiterates that there is no need for the Commission to prescribe duplicative reporting or disclosure requirements in this docket.

III. FREQUENCY OF UPDATE AND LENGTH OF RETENTION

The Commission sought comment concerning how often the BOCs should be required to update the data that they must maintain.⁹ The Commission also sought comment on how long the BOCs must maintain such data.¹⁰

⁷FNPRM, ¶ 377.

⁸Letter from Todd F. Silbergeld, CC Docket No. 96-149, dated and filed October 8, 1996.

⁹FNPRM, ¶ 379.

¹⁰Id.